

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment no claims are added or canceled, and claims 1, 8 and 20 are amended. As a result, claims 1-33 remain pending in the application. Support for the amendments can be found throughout the specification, for example, at paragraphs [0004], [0024] and [0034].

In the non-final Office Action of February 7, 2007, claims 1-6 and 8-33 are rejected under 35 U.S.C. §103(a) in view of the International Patent Application WO 01/29732 (Warnock) further in view of U.S. Patent Application 2002/0082997 (Kobata). Claim 7 is rejected under 35 U.S.C. §103(a) in view of Warnock further in view of Kobata and yet further in view of U.S. Patent Application 2003/0156719 (Cronce).

35 U.S.C. §103 Rejection

The §103(a) rejections of claims 1-33 in view of the hypothetical combinations of Warnock, Kobata and Cronce are obviated in view of the present amendments to independent claims 1, 8 and 20.

Claim Amendments

The Background of the present application points out one disadvantage of conventional systems in that they permit a potential buyer only partial exposure to the content, e.g., a low-fidelity and/or shortened version of a song, low-resolution copy of an image. The present invention overcomes this drawback by providing a full fidelity version of the entire content,

encoded in a proprietary format. If the potential buyer decides to make a purchase, the content can be encoded in a different format such as audio wave or MP3. The prior art does not teach or suggest these features.

Accordingly, claim 1 has been amended to recite “downloading a content file in a proprietary first data format from a remote server of a content source to a first user device for a first cost basis, said content file including at least one entire song in full fidelity.” Claims 8 and 20 have been amended to recite “content being including at least one entire song in full fidelity encoded in a first protected format associated with the content source.”

It is respectfully submitted that Warnock, Kobata and/or Cronce, either taken singly or in hypothetical combination, do not teach or suggest the features of the claims now pending. Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time or fees are required for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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